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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,199	04/11/2001	Itzhak Wilf	P-1570-US	5318
49443	7590	03/13/2006	EXAMINER	
PEARL COHEN ZEDEK, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			NATNAEL, PAULO S M	
			ART UNIT	PAPER NUMBER

2614

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,199

Applicant(s)

WILF ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15, 17, 19-21, 23-30 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 14, 15, 17, 19-21, 23-27, and 33 is/are allowed.
- 6) ☒ Claim(s) 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It lists application number **06/080,137** as prior filed (31 March 1998) application. This application number does not match with any documents of the instant application such as the title, inventor name etc. Provisional Application number **60/080,137**, on the other hand, matches the Title, inventor name, and other data. Apparently, there has been a mix up on the part of the applicant with the numbers **06/080,137** and **60/080,137**, the latter being a provision application. Appropriate correction is required.

2. The previously indicated allowability of claims **28-30** has been withdrawn because of a newly found reference as shown below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **28-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Lanier, U.S. patent No 6,400,374.

Considering claims **28-30**, Lanier discloses a video superposition system and method, comprising foreground object 56, Live video feed 48, animation generator 40, video superposition system, 46 and display 52, (fig.3), and a computer for defining a mask region separating the foreground object from the background. See Abstract and Fig.4. On col. 2, starting line 49, Lanier teaches that the "background image is, for example, an animated "character", with a masked facial portion. The live video signal in this case includes, as the foreground image, a face, with the face generally having a defined spatial relation to the position sensor. The masked region of the character is generated, based on the output of the position sensor in an appropriate position, so that the face may be superimposed within the masked region. As seen in the resulting composite video image, the live image of the face is presented within a mask of an animated character, presenting a suitable foundation for a consumer entertainment system.

In col. 3, starting on line 6, Lanier teaches "the background image may appear as a masked character, with the foreground image as a video image of a face within the mask region. The mask region may be independent of the video image data, or developed based on an image processing algorithm of the video image data. In the later case, where processing latencies are substantial, the composite output may be initially provided as a video image data independent mask which is modified over time,

when the image is relatively static, for greater correspondence with the actual image.”

FIG. 3 shows a configuration of the electronics hardware according to one embodiment according to the present invention. The system animation 40 receives a position input signal 42 from a position tracking system 54 which is used to determine a mask position within the live video feed 48 of a foreground object 56 and also as a control parameter for a computer generated animation...The live video 48 mask is then overlayed in a chroma key unit 46 over a computer animated image 50 and displayed on a monitor 52...Since the mask location, as determined by a position transducer 58, may change within the live video 48 image, the mask image may optionally be translated to a desired location within the composite image. See disclosure on col. 8, lines 66 thru col. 9, lines 15).

Lanier therefore teaches generating a mask in a live video source and uses the mask to separate the image from the animation generated from the generator 40 as a background image. Both images are displayed on display 52. Hence, Lanier meets all claimed subject matter as claimed.

Allowable Subject Matter

5. Claims **1-12,14,15,17,19-21,23-30** and **33** are allowable over the prior art.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al. U.S. patent no. 5,900,919 discloses an efficient shot change detection on compressed video data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 9am - 5:30pmn.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael
Primary Examiner
Art Unit 2614

March 7, 2006